

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KATHERINE LAI,

Plaintiff,

v.

**DISTRICT V-C ETHICS COMMITTEE, et
al.,**

Defendants.

06-CV-2661 (WJM)

ORDER

This matter comes before the Court upon pro se Plaintiff Katherine Lai's motion to extend the time to file a cross appeal of this Court's Order dated December 11, 2006. On January 10, 2007, Defendants timely filed a Notice of Appeal from this Court's December 11, 2006 Order granting Defendants' motion to dismiss and granting in part and denying in part Defendants' motion for sanctions. In lieu of filing a cross appeal, Plaintiff filed a motion to dismiss the appeal with the Court of Appeals on January 25, 2007. The Court of Appeals denied Plaintiff's motion to dismiss the appeal on April 24, 2007. Plaintiff then attempted to file a pro se brief with the Court of Appeals on June 18, 2007. Defendants moved to strike Plaintiff's brief on June 28, 2007, and the Clerk of the Court of Appeals referred Defendants' motion to strike to the Merits Panel. Plaintiff and Defendants submitted their positions to the Merits Panel in July 2007.

Concurrently, Plaintiff filed a Notice of Cross Appeal on July 3, 2007 with the Court of Appeals. The Clerk of the Court issued an Order on July 9, 2007 stating that "[i]f Appellee [Katherine Lai] wishes to file a notice of appeal and/or seek an extension of time to file her notice of (cross) appeal, she must do so in the district court." Plaintiff then filed this current

motion to extend the time to file a cross appeal on July 16, 2007.

Rule 4(a) of the Federal Rules of Appellate Procedure requires that a party file a notice of appeal within thirty days after the entry of judgment or order, or file a cross appeal within the same thirty-day period or within fourteen days after the date that the first notice of appeal was filed, whichever period ends later. Rule 4(a)(5) allows the district court to extend the time to file a notice of appeal if the party so moves no later than thirty days after the time prescribed in Rule 4(A) expires, and the party shows excusable neglect or good cause. Fed. R. App. P. 4(a)(5).

Plaintiff's deadline to request an extension of time to file a notice of appeal ended February 9, 2007, and her deadline to request an extension of time to file a notice of cross appeal ended February 23, 2007. The Court finds that Plaintiff's request was filed approximately five months after the deadline by which Plaintiff was required to file a request under Fed. R. App. P. 4(a)(5), and the Court additionally notes that Plaintiff has provided no good cause or excusable neglect for her delay in filing the notice. For good cause shown,

IT IS on this 20th day of September, 2007,

ORDERED that Plaintiff's application for an extension of time to file an appeal or cross appeal is denied.

s/William J. Martini
William J. Martini, U.S.D.J.